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14 **UNITED STATES DISTRICT COURT**
15 **DISTRICT OF NEVADA**
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17 United States of America,
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19 Plaintiff,
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21 v.
22 Adam Ray Ybarra,
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24 Defendant.
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Case No. 2:16-CR-00239-JCM-NJK

**Unopposed Motion for Copies of
Non-Public Docket for Appellate
Purposes**

Defendant Adam Ray Ybarra, through counsel, moves this Court for an order permitting the Clerk's office to provide copies of the non-public docket sheet to undersigned counsel and counsel for the government. The non-public docket is necessary for the parties to assemble and review Mr. Ybarra's record for his direct appeal to the Ninth Circuit. *United States v. Adam Ray Ybarra*, 9th Cir. No. 22-10028. The non-public docket sheet lists all sealed or restricted documents not viewable on the public docket sheet. On the public docket, counsel has identified several missing docket entries, including Dkt. Nos. 4, 7, 16–17, 20–22, 29, 31, 37–38, 48–51, 55, 58, 61, 75, 78, 89, 93, 96.

1 Without the non-public docket sheet, the parties cannot determine the
2 nature and relevance of the sealed or restricted documents for appeal. Review of
3 the non-public docket sheet will permit the parties to effectively determine which
4 sealed or restricted documents need to be obtained and reviewed for direct
5 appeal. If, after reviewing the non-public docket sheet, either party requires
6 review of certain sealed or restricted documents, the party will request such
7 items with specificity in a separate motion.

8 Access to the non-public docket is, therefore, necessary for counsel to
9 provide constitutionally adequate representation for Mr. Ybarra and so the
10 parties can accurately provide and cite the record on appeal. *See* Fed. R. App. P.
11 10(a); 9th Cir. Rules 10-2(b), 28-2.8, and 30-1; *see also, e.g., United States v.*
12 *Cramer*, No. 1:16-cr-26, 2020 WL 8920386, at *7 (E.D. Tex. Jan. 30, 2020) (noting
13 grant of unopposed motion to permit inspection and copying of nonpublic docket).
14 Accordingly, undersigned counsel requests the Court order the Clerk's office to
15 provide copies of the non-public docket sheet to undersigned counsel and counsel
16 for the government. A proposed order is attached for the Court's convenience.

17 The undersigned has contacted counsel for the government, Assistant
18 United States Attorney Elizabeth White, and the government does not oppose
19 this motion.

20 **Dated:** February 16, 2022.

21 Respectfully submitted,
22 RENE L. VALLADARES
23 Federal Public Defender

24 By: /s/ Ellesse Henderson

25 Ellesse Henderson
26 Assistant Federal Public Defender

Attorney for Adam Ray Ybarra

Service Certificate

I certify that on February 16, 2022, I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the District of Nevada by using the appellate CM/ECF system. Participants registered CM/ECF users will be served by the appellate CM/ECF system. The following non-CM/ECF participants will be served by U.S. Mail: **Mr. Adam Ray Ybarra.**

/s/ Brandon Thomas

Employee of the Federal Public
Defender

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

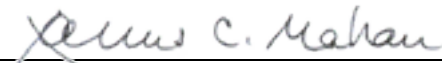
3 United States of America,
4 Plaintiff,
5 v.
6 Adam Ray Ybarra,
7 Defendant.
8

Case No.: 2:16-CR-00239-JCM-NJK

**Order Permitting Copies of
Non-Public Docket for Appellate
Purposes**

9 IT IS HEREBY ORDERED that the Clerk's Office provide copies of the
10 complete, non-public docket sheet in this matter to counsel for Adam Ray Ybarra
11 and counsel for the United States of America.

12 **Dated:** February 25, 2022.

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14 U.S. DISTRICT COURT JUDGE
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